

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

LUKE ORVILLE HEIDEN,

Plaintiff,

vs.

COMMANDOR J. LAW, LT. S.
SOUZA, SGT. C. SEINER, C/O
MILLER, C/O R. JOHNSON, C/O
RENDALL, C/O COMBS, SGT
BELL and C/O DRASKOVICH,

Defendants.

NO. 13-CV-5138-JTR

ORDER DISMISSING COMPLAINT
WITHOUT PREJUDICE

BEFORE THE COURT is Magistrate Judge Rodger's Report and Recommendation to dismiss the Complaint without prejudice for failure to notify the District Court Executive or Court regarding his change of address, ECF No. 11. Plaintiff initiated this action while a prisoner at the Benton County Jail. He is proceeding *pro se* and *in forma pauperis* ; Defendants were not served.

By Order filed December 30, 2013, the Court advised Plaintiff of the deficiencies of his complaint and directed him to amend or voluntarily dismiss, ECF No. 8. A copy of this Order was returned as undeliverable on January 13, 2014, ECF No. 9. After unsuccessfully attempting to locate a current address for Plaintiff, it was recommended that the complaint be dismissed without prejudice.

There being no objections. **IT IS ORDERED** the Report and Recommendation, ECF No. 11 is **ADOPTED** and the Complaint, ECF No. 7, is **DISMISSED without**

ORDER DISMISSING COMPLAINT -- 1

1 **prejudice** for failure to notify the District Court Executive or Court regard a change of
2 address.

3 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
4 Order, enter judgment, forward copies to Plaintiff at his last known address, and close
5 the file. The Court certifies any appeal of this dismissal would not be taken in good
6 faith.

7 **DATED** this 29th day of April, 2014.

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9 *s/Lonny R. Suko*

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LONNY R. SUKO
11 SENIOR U. S. DISTRICT JUDGE
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